

Atty. Dkt. No. 035451-0107

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 8-14 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

**CLAIM REJECTIONS 35 U.S.C. § 112**

In Section 2 of the Office Action the Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention because of a claimed dependency inconsistency. Applicants have amended claim 9 to depend from independent claim 8 and thereby request the withdrawal of the § 112 rejection.

**CLAIM REJECTIONS 35 U.S.C. § 102**

In Section 2 of the Office Action the Examiner rejected claims 1, 3, 4 and 15-20 under 35 U.S.C. § 102(b) as being anticipated by Okada et al. With regard to independent claims 1, 8, 15, and 20 applicants respectfully submit that Okada et al. does not disclose, teach, or suggest all the claim limitations recited in each of the independent claims. For example, independent claim 1 recites "a program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude of the sound generator depending on the output frequency of the sound generator." Applicants respectfully submit that Okada et al. does not disclose varying the output amplitude of the sound generator depending on the output frequency

Atty. Dkt. No. 035451-0107

of the sound generator. What is provided in Okada et al. is changing the output amplitude of the DA converter 96 based on the divided frequency of envelope clocks having a frequency of 64 hertz as shown in FIG. 5. Accordingly, because the divided frequency of the envelope clock is not the same as the frequency of the sound generator output, Okada et al. does not disclose or teach applicants invention recited in independent claims 1, 8, 15, and 20. Further, Okada et al. does not provide the advantages which applicants invention provides that is providing a more even amplitude across the frequency spectrum for the sound generator. Accordingly, independent claim 1, 8, 15, and 20 and their respective dependent claims are not anticipated by Okada et al.

In Section 3 of the Office Action the Examiner rejected claims 15-20 under 35 U.S.C. § 102(b) as being anticipated by Cole (U.S. Patent No. 5,890,115). Applicants respectfully submit that Cole does not disclose, teach, or suggest all of the claim limitations of independent claims 15 and/or 20. For example, Cole does not disclose or teach accessing a look-up table with or calculating volume adjustment information according to the sound frequency to be generated. Cole does not disclose, teach, or suggest basing the volume adjustment on the frequency of the sound to be generated in order to flatten the volume across the frequency range used by the sound generator. What is disclosed in Cole is a method of generating speech sounds which are accessed from a wavetable database. Accordingly, independent claims 15 and 20 and their respective dependent claims are not anticipated by Cole.

#### **CLAIM REJECTIONS 35 U.S.C. § 103**

In Sections 6-13 of the Office Action the Examiner has rejected a plurality of dependent claims. Each of the dependent claims rejected depends from an independent claim which applicants believe is allowable. Accordingly, applicants believe that the dependent claims which stand rejected are also allowable.

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Atty. Dkt. No. 035451-0107

Applicants believe that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

April 12, 2004

By

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